

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPEAL NO.21 OF 2004.**

Mahendra M. Gadhia : Appellant.

versus.

Shri Arun Kumar Jain & Anr. : Respondents.

Mr.M.K.Kocharekar for Mr.Prakash Naik for the  
appellant.

Mr.P.D.Desai for M/s.Gagrat & Co. for Respondent  
No.1.

Mr.D.R.More, APP, for the State.

**CORAM : D.G.DESHPANDE, J.**

**DATED : 31st August 2004.**

**P.C.**

1. This is an appeal for transferring the cases under Section 138 of the Negotiable Instruments Act to the Special Court dealing with

MPID matters. This appeal is strongly opposed by the counsel for the respondent No.1. on the ground that if such an order is passed then in almost all the cases under the MPID Act, the accused or others will apply for transferring the cases under Sections 138 of the Negotiable Instruments Act and that will create bad precedent and add to the already overloaded work of the Special Court. In view of the practical aspect of the matter and also looking to the fact that the Magistrates are competent to deal with proceedings under Section 138 of the Negotiable Instruments Act, this appeal is disposed of.

2. Parties to act upon ordinary copy of this order duly authenticated by the Court Sheristedar.

\*\*\*\*\*

\*\*\*\*\*